

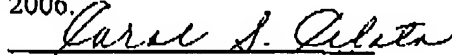
MAY 30 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|  |                    |                     |                     |                   |
|--|--------------------|---------------------|---------------------|-------------------|
| <b>FIRST NAMED INVENTOR:</b>                       | <b>SERIAL NO.:</b> | <b>FILING DATE:</b> | <b>ART UNIT:</b>    | <b>CONF. NO.:</b> |
| Peter DiBenedetto                                  | 10/675,971         | October 2, 2003     | 1636                | 7789              |
| <b>TITLE:</b>                                      |                    |                     | <b>EXAMINER:</b>    |                   |
| Assays For Evaluating Anti-Osteoarthritic Activity |                    |                     | Sullivan, Daniel M. |                   |

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify under 37 CFR 1.8(a) that this correspondence (4 pages) is being transmitted by facsimile to 571-273-8300, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O Box 1450, Alexandria, VA 22313-1450, on May 30, 2006.

  
Name: Carol S. Celata

Mail Stop Amendment  
Commissioner for Patents  
PO. Box 1450  
Alexandria, VA 22313-1450

## REPLY TO RESTRICTION REQUIREMENT

Sir:

Responsive to the Restriction Requirement dated December 29, 2005, the claims of Group III (Claims 5-24) drawn to an assay for evaluating the efficacy of a test compound for treating or preventing osteoarthritic cartilage damage are elected for prosecution. Applicant reserves the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicant does not hereby abandon or waive any rights in the non-elected inventions.

Applicant further elects the species of claim 16 for prosecution on the merits. Claims 5 and 15 are readable upon claim 16.

A response to the December 29, 2005 Restriction Requirement originally was due on January 29, 2006. A four month extension of time, to May 29, 2006, to respond to the Restriction Requirement is respectfully requested. With the four month extension of time, a response therefore is due on May 29, 2006. However, because May 29, 2006 was a federal holiday, a response filed today May 30, 2006 is considered to be timely filed.

Attorney's Docket No. 5118  
Serial no. 10/675,971  
Election  
Page 2 of 2

Please charge the appropriate fee for a four month extension of time to Deposit Account No. 07-1074. A duplicate copy of this response is enclosed for fee purposes.

Respectfully submitted,



Robert J. Cobert  
Attorney for the Applicant  
Reg. No. 36,108

Date: May 30, 2006  
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15 Pleasant Street Connector  
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